THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.4369 of 2007

Date: 05.03.2007

Between:

Gudivada Rama Chandra Rao and another.

....Petitioners

And

The Divisional Electrical Engineer and another.

....Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.4369 of 2007

O R D E R:

The petitioners are agriculturists and they are provided with electricity connections. The Divisional Electrical Engineer, Operations, APSPDCL, Machilipatnam, first respondent herein disconnected the power supply, through proceedings, dated 31.03.2006, pointing out that the petitioners are lifting water from Tallepallem approach drain and that the power supply would be re-connected, after necessary permission is accorded to them. Thereupon, the petitioners approached the Executive Engineer, Drainage Division, Gudivada, narrating the developments. The Executive Engineer issued proceedings, dated 05.05.2006, stating that the source, from which the petitioners are drawing water, is in the margin of R & B road and it is not part of any drainage system.

Once again, the first respondent referred to some letters, said to have been issued by the Assistant Executive Engineer, Irrigation Department, Machilipatnam,

and insisted on the petitioners to secure necessary permission. This time, the petitioners approached the Assistant Executive Engineer of the Irrigation Department. He too found that there is absolutely no relation between the source, from which the petitioners are drawing water, and the irrigation system of the Government.

In view of these developments, the first respondent addressed a letter, dated 02.08.2006, to the District Collector, Krishna District, and sought necessary instructions. There is no response and the pump sets of the petitioners are without any power supply, even now. Hence, this writ petition.

Heard the learned counsel for the petitioners and the learned Standing Counsel for the respondents.

The copies of correspondence, that are placed before this Court, disclose that the respondents resorted to disconnection of power supply to the pump sets of the petitioners, without verification of necessary facts. There was no complaint from the authorities of Drainage or Irrigation Departments, against the petitioners. As law-abiding citizens, the petitioners approached the said authorities, after the power supply was disconnected. Through separate letters, the Engineers of Drainage and

Irrigation Department clarified that the petitioners are not utilising any water from the said sources.

Whatever may have been the basis for the respondents in disconnecting the power supply, once the petitioners have placed before them, the copies of correspondence, that have emanated from the authorities of Irrigation and Drainage Departments, the respondents ought to have restored the power supply. The whole exercise smacks of arbitrariness and high handedness on the part of the respondents.

The Writ Petition is, accordingly, allowed and the respondents are directed to restore power supply forthwith to the petitioners and latest by 16.03.2007. Any default, in this regard, would entail in serious consequences. There shall be no order as to costs.

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05.03.2007

Note: Issue C.C. in two days.

(B/o)

JSU